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*\*pro hac vice*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

JOHN D. HALTIGAN,

Plaintiff,

v.

MICHAEL V. DRAKE, in his official  
capacity as President of the University of  
California; CYNTHIA K. LARIVE, in her  
official capacity as Chancellor of UC Santa  
Cruz; BENJAMIN C. STORM, in his official  
capacity as Chair of the UC Santa Cruz  
Psychology Department; and KATHARYNE  
MITCHELL, in her official capacity as Dean  
of the UC Santa Cruz Division of Social  
Sciences,

Defendants.

No. 5:23-cv-02437-EJD

**PLAINTIFF'S NOTICE OF  
INTENT TO REST ON SECOND  
AMENDED COMPLAINT**

Judge: Hon. Edward J. Davila

1 Plaintiff respectfully submits this notice to inform the Court that they intend  
2 to rest on the Second Amended Complaint dismissed by the Court on November 15,  
3 2024. (*See* Doc. 48). Plaintiff thus does not intend to file a Third Amended Complaint,  
4 though the Court dismissed the Complaint with leave to amend.

5 Where a case is dismissed with leave to amend, a plaintiff may file a notice of  
6 intent not to file an amended complaint. *WMX Techs., Inc. v. Miller*, 104 F.3d 1133,  
7 1135 (9th Cir. 1997) (quoting *Lopez v. City of Needles*, 95 F.3d 20 (9th Cir. 1996)). This  
8 gives the Court the opportunity to reconsider or, usually, to enter a final and  
9 appealable order of dismissal. *Id.* Plaintiff therefore requests that this Court enter a  
10 final Order that Plaintiff may appeal to the United States Court of Appeals for the  
11 Ninth Circuit.

12  
13 DATED: December 17, 2024.

14 Respectfully submitted,

15 JOSHUA P. THOMPSON  
16 WILSON C. FREEMAN\*  
17 JACK E. BROWN\*

18 By /s/ Wilson C. Freeman  
19 WILSON C. FREEMAN\*

20 *Attorneys for Plaintiff*

21 *\*pro hac vice*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 2024, Opposing Counsel received the foregoing PLAINTIFF'S NOTICE OF INTENT TO REST ON SECOND AMENDED COMPLAINT via CM/ECF service.

By /s/ Wilson C. Freeman  
WILSON C. FREEMAN

*Attorney for Plaintiff*